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CITY OF SAN JOSE  
DEVELOPMENT

Darryl Boyd  
Department of Planning, Building and Code Enforcement  
City of San Jose, 200 East Santa Clara Street  
San Jose, California 95113-1905

June 11, 2007

Dear Darryl Boyd,

In regards the City of San Jose's Coyote Valley Specific Plan Draft EIR there is so much data to absorb that I would respectfully request some indulgence if I submit comments in installments. At this time of year it is difficult to round up our native plant habitat conservation specialists as they are out in the field.

The report identifies areas of significant impact to vegetative biological resources:

1. loss of 163 acres (or 50,179 linear feet) of wetlands, streams and ponds
2. impact to 28 acres of riparian habitat
3. loss of 5 acres of coast live oak woodland, and 35 acres of valley oak woodland
4. loss of 23 acres serpentine grassland
5. degradation of (?) hundred square miles of serpentine grassland due to nitrogen deposition
6. loss of habitat and take of bent flowered fiddleneck, big scale balsamroot, bristly sedge, and wooly-headed lessingia.
7. loss of how many acres of agriculture?

Preliminarily I would like to express the personal opinion that such destruction and degradation of natural resources cannot be excused by any exhibited balance of benefit to the community either in jobs or housing. The extensive unrented industrial park and office space in North San Jose illustrates negligible job demand, and it remains to be seen if recent investment in dense housing development in that area will fare any better.

The proposed Coyote Valley Specific Plan calls for such costly infrastructure that I cannot believe that there will ever be the money necessary for mitigation and monitoring of wetlands replacement and restoration to compensate for loss of biodiversity and watershed water quality and stability afforded by historical resources of over ten miles of riparian and wetland habitat and 40 acres of coast live oak and valley oak woodlands.

Please consider a federal mandate of avoidance of impact in evaluation of impact to all biological resources.

Prime biological and resource impacts to be avoided in this proposed Coyote Valley Specific Plan are:

- ~ 35 acres of valley oak woodlands are uniquely valuable in that valley and blue oaks seem to be impervious to sudden oak death pathogens decimating Santa Clara coast live oak, black oak and tan oak communities.
- ~ Nitrogen deposition in Coyote Valley's surrounding watersheds resulting from increased auto emissions will not only alter serpentine grasslands and result in take of Checker Spot Butterfly and habitat but nutrient deposition will increase fire load in watershed of Anderson and Coyote Reservoirs. In consideration of Metcalf Energy Center, Cisco and IBM Coyote Valley development's cumulative impacts on air quality shouldn't a nitrogen deposition cap be mandated? (Metcalf air study identified a Coyote Valley seasonal inversion layer.)
- ~ Shannon earthquake fault crosses Coyote Valley from southeast to northwest (as in no smoking sign) and runs under proposed Lake with potential to inundate Bailey Ave/Santa Teresa intersection evacuation route. EIR needs reservoir dam safety and CVSP earthquake plan for Shannon, Santa Clara and Hayward Faults.
- ~ In consideration of Spreckels Hill's existing Fisher Creek and wetlands interface (and that CISCO and IBM development does not reflect CVSP street plan around lake) would it be feasible to flip lake design southwest of Spreckels Hill? As per Figure 4.8-2, this is already Surface Water Resources & Regulatory Floodplains.
- ~ Evaporation elements affecting water quality of lake need to be addressed, in that use of Bay Delta water which has high levels of salt and which evaporation will make saltier, may prove a problem draining lake as salts will bind percolation soils in valley and Coyote Creek and impair percolation into Santa Clara Aquifer.
- ~ Pumping in Coyote Valley must be carefully regulated and monitored by State Water Resource agencies as due to slope of valley to north, might not an excessive draw down in times of drought and at end of summer so deplete southern extremity of Coyote aquifer as to cause subsidence in that area? Should an aquifer level limit be established by State Water Resources? Could subsidence divert Coyote Creek south?
- ~ Introduction of exotics and invasive species to Fisher and Coyote Creeks can and must be avoided. There is not money in anyone's maintenance budget to control vegetation that is not native to streams and ponds.

Darryl Boyd, Department of Planning  
City of San Jose, 200 East Santa Clara Street,  
San Jose, CA 95113-1905

June 13, 2007

Dear Darryl Boyd,

To continue comments on the Coyote Valley Specific Plan Draft EIR I think it necessary to note elements of Draft EIR that appear to be deficient or are inconsistent with the approved Coyote Valley Research Park. I would also like to submit the disclaimer that I may be missing data in referencing these 8 plus volumes.

In regards areas of significant impact to vegetative biological resources identified in EIR, (wetlands and riparian habitat, buffers, continuity of corridors and tree identification) analysis does not appear complete:

1. and 2. loss of 163 acres (or 50,179 linear feet) of wetlands, streams and ponds and impact to 28 acres of riparian habitat needs to be addressed with more site specific criteria. The mature willow riparian corridor and seasonal wetlands of Fisher Creek provide high calibre habitat for which 1 for 1 replacement cannot, for at least a decade, compensate red-legged frog, tiger salamander and western pond turtle for loss of viable refugia.

Cool water temperature is critical factor for steelhead, therefore existing Fisher Creek riparian should be retained until replacement canopy is in place. Impacted wetlands and species of trees in Coyote Creek riparian corridor need detailed survey delineation. I will have to study CVSP interface further to understand extent to which EIR is deficient in this area and what mitigation is needed. Wetlands mitigation would be more viable in Coyote Creek corridor providing critical continuity of habitat than at an exposed Laguna Seca. (p. 5 + 6.)

3. loss of 5 acres of coast live oak woodland and 35 acres of valley oak woodland is not possible to view or verify. For instance, many of Hortscience tree survey numbers for 180 valley oak and 51 coast live oak in Volume III are no where to be found on Volume I Tree Index Map. At least the ones noted mark farm property lines or shade buildings or are in approved development of Coyote Research Park. But where are 5 acres of coast live oak and those irreplaceable 35 acres of valley oak woodland? It is valley oak savannah on western edge of CVSP site that buffers Fisher Creek from foothills and provides unique biodiversity for wildlife refugia.

Also there are no trees or species noted for Spreckels Hill though it is characterized as a nature preserve? This hill and proposed lake area are zoned agriculture PD but are not evaluated as farmland in CVSP EIR?

4. loss of 23 acres of serpentine grassland at western edge can be avoided if zoned outside development

5. mitigation for conversion of 149 acres of Coyote Ridge serpentine grasslands needs reevaluation as I believe anticipated nitrogen deposition from CVSP traffic will cover a wider area of Coyote Valley watershed.

Also a ten-year monitoring plan should be included in this mitigation for serpentine grasslands in general  
6. Please add the following for impacts to particular serpentine plants such as federally listed endangered Coyote ceanothus (*Ceanothus ferrisiae*), Santa Clara Valley dudleya (*Dudleya setchellii*), Metcalf Canyon jewelflower (*Streptanthus albidus* ssp. *albidus*), Tiburon paintbrush (*Castilleja affinis* ssp. *neglecta*), as well as the following special status plants: big-scale balsamroot (*Balsamorhiza macrolepis*), chaparral harebell (*Campanula exigua*), Mount Hamilton thistle (*Cirsium fontinale* var. *campylon*), smooth lessingia (*Lessingia micradenia* var. *glabrata*), and most beautiful jewelflower (*Streptanthus albidus* ssp. *peramoenus*).

7. loss of agriculture acreage needs to be classified in detail, as in Coyote Valley Research Park EIR, with evaluation of its calibre of soil and residual chemical properties in light of its prime farmland designation.

There seems to be some confusion created by this CVSP plan map as to already approved and presently developing Coyote Valley Research Park area north of Bailey Avenue, and what is being proposed for the rest of the industrial area (including the lake and Spreckels Hill), and the urban reserve area. What zoning or planning department approval authority is there to guide street alignment or a realignment of Bailey Avenue?

It is this remnant industrial park area just south of Bailey Avenue that has no EIR environmental evaluation that makes me dubious that the developer has anything else in mind but dense industrial development. This particular area is pivotal to the CVSP design and circulation. I think an alternative must be included in EIR.

The earthquake fault evaluation element needs to go south of Bailey Ave. and Coyote Valley Research Park, ENGEO Geotechnical Document, and what lands besides Laguna Seca should be characterized as area of high liquefaction potential?

The FEMA map shows 100 year flooding over area slated for industrial and urban reserve development south of Bailey Ave. along Fisher Creek and the urban reserve area between Coyote Creek and Monterey Highway. Are these areas COE jurisdictional wetlands? Then, will the diversion of water to augment Fisher Creek flows year-round extend area of these wetlands and alter vegetation? I think so.

Darryl Boyd, Department of Planning  
City of San Jose, 200 East Santa Clara Street  
San Jose, CA 95113-1905

June 17, 2007

Dear Darryl Boyd,

This is a continuation of June 13 submittal of concerns on the Coyote Valley Specific Plan EIR.

To illustrate an aspect of EIR's incomplete assessment of impacted wetlands on Fisher and Coyote Creeks, I would like to submit jurisdictional wetlands maps that identify two tributaries of Fisher Creek on both sides of Bailey Avenue, Branches "A" and "C", and four eastern slope tributaries to Coyote Creek, Branches "B", "C", "D", and "E", that need be evaluated for riparian continuity and critical habitat preservation purposes. (P.5-6)

It is important to discern if these wetlands meet a criteria of emergent or seasonal wetlands, and what native and exotic vegetation are present. The established vegetation provides shade that is vital for red-legged frog and western pond turtle populations, as well as steelhead. Water temperatures throughout the year need to be recorded in order that any replacement wetlands and riparian corridors will duplicate conditions before the original wetlands are degraded in any way either by hydrology alteration or removal of vegetation.

The riparian corridor on either side of Bailey Ave., adjacent to PG&E and just west of Santa Teresa, as a remnant historic Fisher Creek corridor needs a preservation plan of its own, including its interface with Spreckels Hill which will provide excellent, biodiverse, upland refugia for song birds and western pond turtles.

Fisher Creek's beefed-up, hundred-foot setback, fringe riparian element supplies a critical link in the wildlife corridor across Coyote Valley from eastern foothills of Mt. Hamilton Range, under #101, along Coyote Creek past Metcalf to Fisher Creek, under Monterey Highway and Union Pacific Railroad to Laguna Seca and along Bailey Avenue on Fisher Creek tributaries to western foothills and Santa Cruz/Sierra Azul Mountain Range. It also complements Bay checkerspot butterfly's historical migration between Coyote Ridge and Tulare Hill. EIR must address wildlife corridors for mammals, steelhead, and waterfowl of flyway as well as butterflies.

Wetlands depicted in EIR for Coyote Creek do not agree with reference data that I have relied on over years. The one-hundred year floodplain is too slim at northern end of project site where Coyote Creek is constricted by Metcalf Narrows and railroad tracks berm and backs up around historic Coyote Grange. Please reference official FEMA parameters of 100-year floodplain here, as well as on maps that I forward under separate cover.

While we are in this historic part of Town of Coyote, some documentation needs to be given on Henry Miller's cattle operations here which not only influenced where railroad stopped to ship his beef to San Francisco, but legally saved waters of Coyote Creek for cattle and supply of Santa Clara County (not for San Francisco).

It is a deficiency of this EIR that Coyote Creek's riparian trees that will be lost to CVSP crossovers of #101, as well as forty plus acres of coast and valley oaks removed in western foothills are not noted on tree survey map, Figure 4.6-4, which does not cover Spreckels Hill, or go far enough east over Coyote Creek or west into foothills, or say which trees stay and which go anywhere in CVSP project area. Where can data be found?

In regards earlier Coyote Valley Research Park flood control element design of Laguna Seca, it appears that in EIR proposed CVSP plan has extended parameters of development acreage flows into flood control basin. This expansion is to west along Bailey Avenue, to valley beyond IBM where Shannon fault is located, south of Bailey and east to Monterey Highway to encompass all of City of San Jose's industrial development area? Is this the case, and if so, can Laguna Seca absorb extra volume of runoff? Please clarify flood data in EIR?

At other end of spectrum of water management, what will be base flow cfs maintained in Coyote Creek as it flows through Metcalf Narrows to support anadromous fishery of steelhead? What year-round temperatures are necessary to be maintained at this level of flow below dam for health and well-being of coldwater fishery?

References to Coyote Valley and Santa Clara aquifers in EIR is not as precise as feel it needs to be. Also do feel category of 'artificial percolation' of drinking water supplies is somewhat misleading. There is 'natural' percolation into live streams and into percolation ponds which is highly managed by SCVWD releases timed to suit water supply needs rather than to replicate seasonal flows for steelhead, riparian corridors or wildlife.

However 'artificial percolation' as unsuccessfully attempted with injection wells is not the viable option here?

Darryl Boyd, Department of Planning  
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June 19, 2007

Dear Darryl Boyd,

In continuation of submittal of June 17 on Coyote Valley Specific Plan EIR, these are my final comments.

The prime 'natural' percolation area for Coyote Valley is a reach of Coyote Creek that is in the project area. **P.7** In the water supply map (in mail) by Page and Wire which shows areas favorable for groundwater recharge in Santa Clara County, there is an extended 'area highly favorable for ground-water recharge' from Bailey Ave. to Palm. Some of this corridor is conserved in Santa Clara County's Coyote Creek Park Chain but what isn't, in CVSP, is slated for impervious development. This is a degrading land use designation for a unique resource.

In complying with CEQA law and guidelines for an environmental impact report reasonable alternatives are an essential element. Prime percolation potential is here, between Coyote Creek and Monterey Highway, and the CVSP needs to be modified to reflect this resource.

Another critical component of this reach of Coyote Creek is that it retain or slow flood flows to relieve overflow further down on Coyote at the constriction of Coyote Narrows where Monterey Highway, railroad and creek are funnelled into a 250 foot wide gulch. EIR must identify cumulative impacts on Coyote Creek stormflows.

Fisher Creek feeds into Coyote Creek just above Coyote Narrows, so if flood flow back-up occurs, it affects Fisher Creek as well. It needs to be evaluated also, under CVSP cumulative impact of flood flows, what flood risk will result to levees protecting Metcalf Energy's Calpine facility. If I remember correctly, City of San Jose planning staff considered that there was deficient freeboard to Metcalf's Fisher Creek levee buffer which was a major concern for water quality safety in siting of plant but their objections were overruled by State PUC.

With these downstream constraints in mind, will an increased development footprint of North Coyote Campus Industrial Area be able to hold stormwater runoff in Laguna Seca floodbasin, designed originally for just CRP? What is difference of acreage in development footprint of Coyote Research Park industrial area and CVSP as it is now extended along Bailey Avenue? Would an alternative development footprint pulled in from foothills be more in compliance with FEMA floodplain criteria? (Footprint would reflect tree survey coverage of Fig. 4.6-4)

In consideration of extensive, and deficiently documented significant impacts (ie number of trees in foothills valley oak savannah and Coyote Creek riparian corridor) to unique, finite resources of Santa Clara County, I would submit that fresh alternatives to Coyote Valley Specific Plan, as presented in EIR, must be pursued.

Cumulative impacts to serpentine grassland habitat for bay checkerspot butterfly from Metcalf Energy plant, Coyote Research Park and Coyote Valley Specific Plan's nitrogen deposition require accurate assessment. 7000 acres is one estimate that this EIR does not reference.

There must be some alternatives to a complete loss of 2400 acres of prime farmland. This is a deficiency.

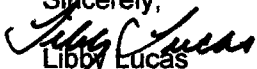
The introduction of exotic species, salts and contaminants to Fisher Creek will result in take of habitat for red-legged frog, tiger salamander, steelhead and western pond turtle, and degrade percolation to aquifers.

Extensive demands on water supply will degrade both Coyote Valley and Santa Clara Valley aquifers, may result in land subsidence and can not guarantee sufficient base flows in Coyote Creek to sustain steelhead runs, viable water temperatures to support a coldwater fishery, or requisite historic beneficial instream uses.

CVSP does not consider the full range of seasonal and drought conditions that distinguish Coyote Valley.

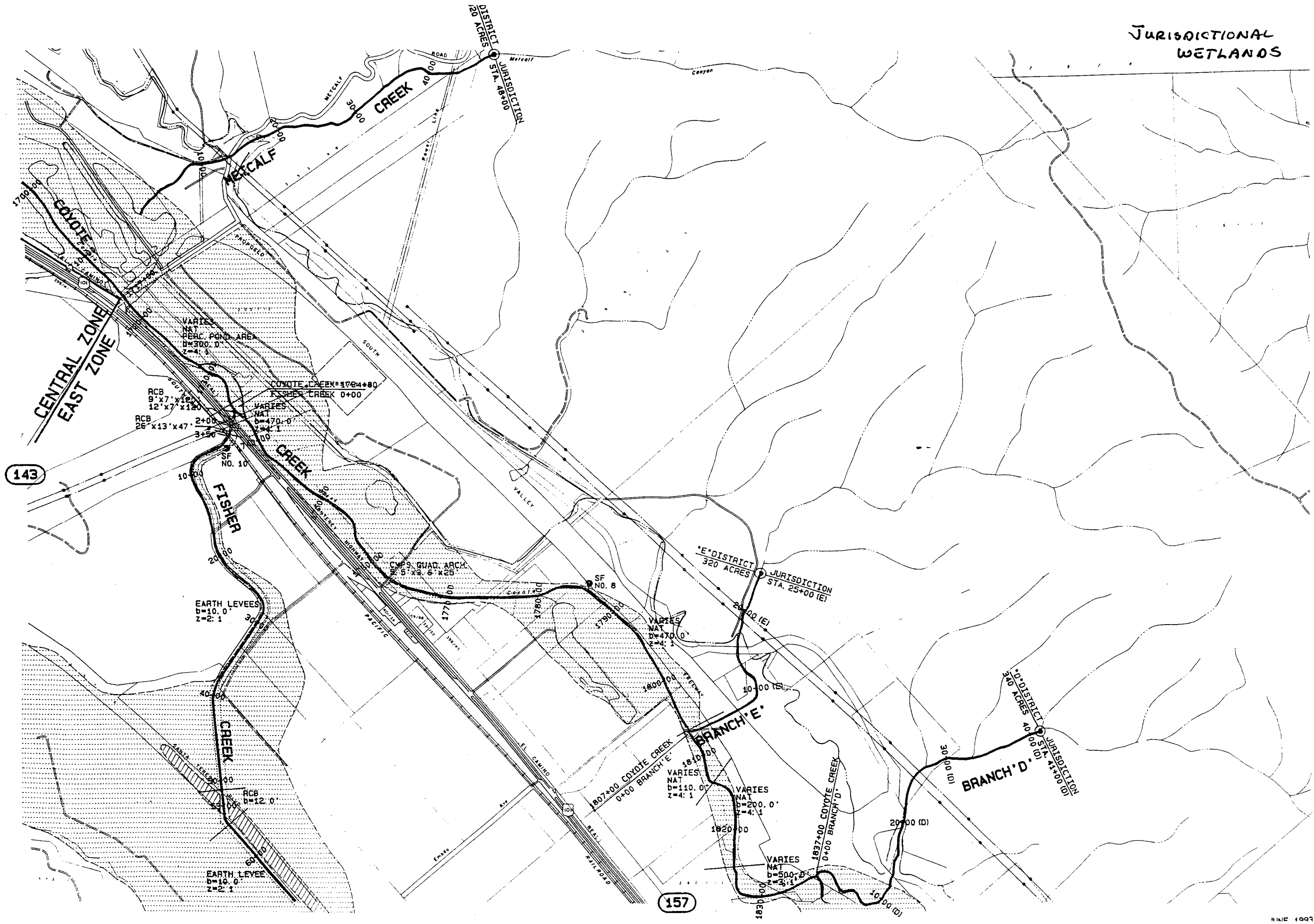
This dirge of deficiencies can go on but in consideration of the volume of comments that you have received, may I just say that the exceptional resource of Coyote Valley deserves a greener and more farsighted plan.

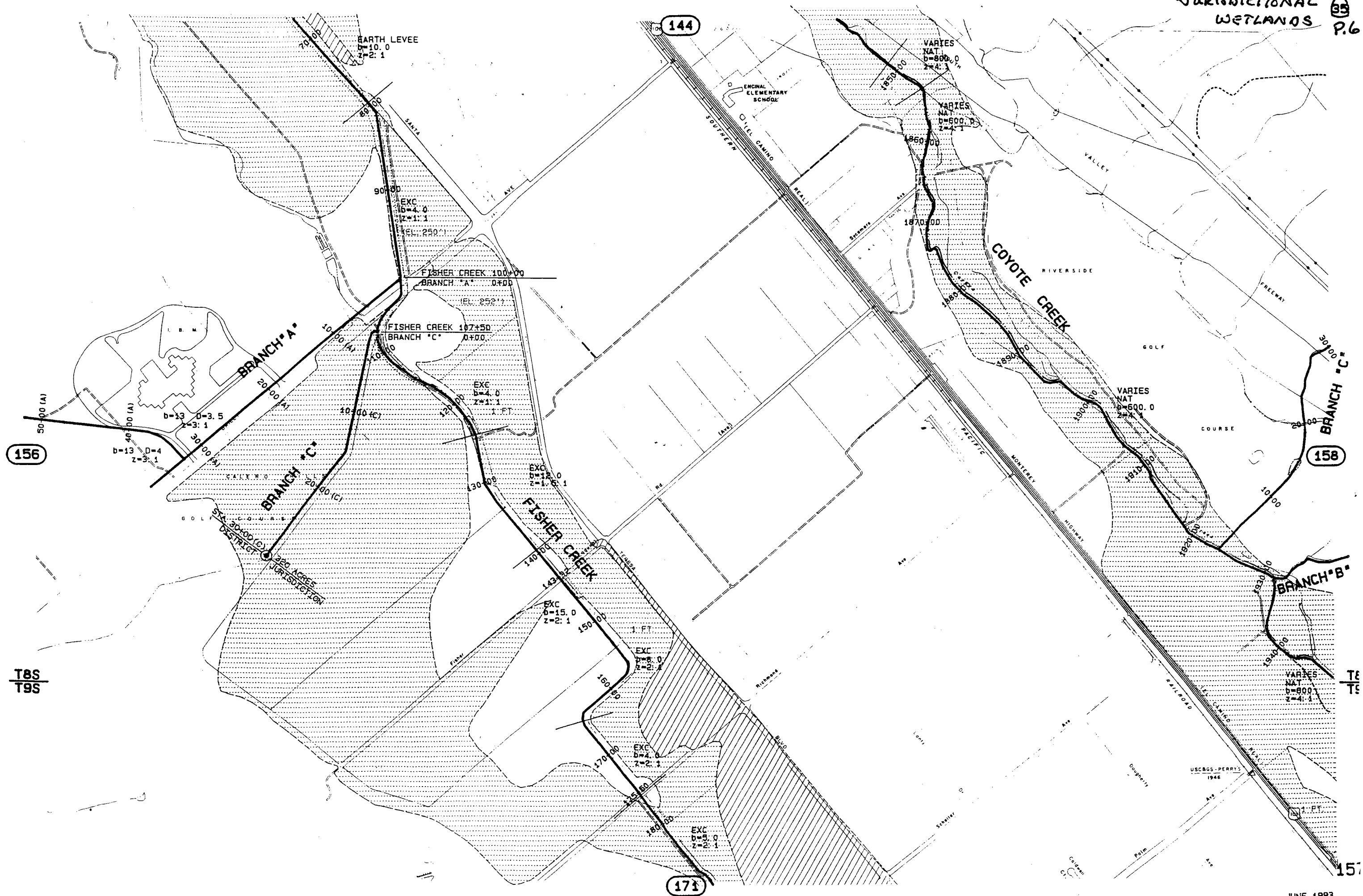
Sincerely,

  
Libby Lucas

174 Yerba Santa Ave., Los Altos, CA 94022

AREAS FAVORABLE FOR GROUND WATER RECHARGE IN SANTA CLARA COUNTY  
AFTER PAGE AND WIRE





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T9S

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